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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ELOY CASTRO CHAVEZ,

Defendant and Appellant.

E049778

(Super.Ct.No. RIF146812)

OPINION

APPEAL from the Superior Court of Riverside County. Elisabeth Sichel, Judge.
Affirmed.

David K. Rankin, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

I

INTRODUCTION

On January 22, 2009, an information charged defendant and appellant Eloy Castro Chavez with assault with the intent to commit rape under Penal Code¹ section 220, subdivision (a) (count 1), and kidnapping under section 207, subdivision (a) (count 2). The information also alleged that defendant personally used a deadly and dangerous weapon, to wit, a knife during the commission of count 1, in violation of sections 12022, subdivision (b)(1), and 1192.7, subdivision (c)(23).

On October 26, 2009, defendant pled guilty to both counts. The plea agreement stipulated a prison sentence of five years.

On November 13, 2009, defendant was sentenced to five years in prison. Defendant received a total of 425 days credit for time served under section 2933.1.

On December 4, 2009, defendant filed his notice of appeal challenging the sentence or other matters occurring after the plea.

II

STATEMENT OF FACTS²

On or about November 9, 2008, defendant “willfully and unlawfully assault[ed] Jane Doe with the intent to commit rape. [¶] . . . [¶] [D]uring that incident, [defendant] personally use[d] a deadly and dangerous weapon that was a knife[.] [¶] . . . [¶] [O]n or about November 9th, 2008, . . . [defendant] willfully, unlawfully, forcibly, and by other

¹ All statutory references are to the Penal Code unless otherwise specified.

² The parties stipulated to the factual basis for the plea during the plea hearing.

means of instilling fear, st[ole], [took], h[eld], detain[ed], and arrest[ed] Jane Doe and carr[ied] Jane Doe into another part of Riverside County[.]”

III

ANALYSIS

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436, and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

IV

DISPOSITION

The judgment is affirmed.

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/s/ McKinster
Acting P.J.

We concur:

/s/ King
J.

/s/ Miller
J.